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2/18

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/463,914 02/01/00 SERRA OBIOL

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EXAMINER

FLORES SANCHEZ, O

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

10/23/01

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/463,914

Applicant(s)

SERRA OBIOL, RAMON

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to applicant's amendment received on 7/30/01.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22, 24-25, 27, 29-30, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Herd.

Herd discloses (Fig. 3-4) the invention including a cutting die support cylinder 3, and outer surface, a cutting die 20, a fixing means, a bolt 46 with head, a working device/dynamic fluid cylinder 38 within a hollow body, a surface 40, a pneumatic or hydraulic cylinder (see col.4, line 29-30), a plurality of threaded holes, spring 41 and slot 39.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over herd in view of J, F. Smith.

Herd discloses the invention substantially as claimed except for a bolt having a head with a larger area. However, Smith teaches the use of a bolt 7 having a head with a larger area 13 for the purpose of fixing the blade. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Herd's bolt by providing the bolt as taught by Smith in order to reduce the possibility of loosening by vibration.

5. Claims 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over herd in view of J, F. Smith.

Herd discloses the invention substantially as claimed except for a quincunx form. However, the examiner takes official notice that the use of the quincunxes forms old and well known in the art for the purpose of holding to pieces. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Herd's device by providing the quincunxes from in order to obtain better holding configuration for the die.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herd.

Herd discloses the invention substantially as claimed except for a circumferential stop, an axial stop and a centering guide. However, the examiner takes official notice that the use of a circumferential stop, an axial stop and a centering guide are old and well known in the art for the purpose of holding and orienting to pieces. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to have modified Herd's device by providing the circumferential stop, the axial stop and the centering guide in order to obtain better holding configuration between the cylinder and the die.

Response to Arguments

7. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Herd does not show a cutting die. Herd teaches a cutting die that is not difference from the structure of the cutting die claimed. Also, applicant argues that Herd lacks the limitation of "a working device ...moving ...a retracted position to an extended position". This sentence is considered an intended use and Herd is capable of performing the intended use, if the bolt is relocated or moved partially out of the member 45.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is (703) 308-0167. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

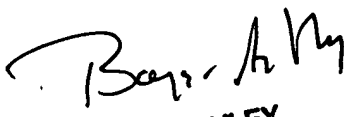
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

ofs
October 21, 2001


BOYER ASHLEY
PRIMARY EXAMINER